

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2483 - SB 2400**

March 1, 2016

**SUMMARY OF BILL:** Deletes certain provisions of Tenn. Code Ann. § 40-32-101 relative to expungements, including but not limited to, the elimination of the required \$350 filing fee from any petitioner requesting expungement.

**ESTIMATED FISCAL IMPACT:**

**Decrease State Revenue – \$134,400/General Fund**  
**\$46,400/Tennessee Bureau of Investigation**  
**\$121,000/District Attorneys General Conference**  
**\$13,400/District Public Defenders Conference**

**Decrease Local Revenue – \$102,000**

Assumptions:

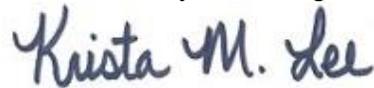
- Tennessee Code Annotated § 40-32-101 establishes a \$350 fee one must pay when seeking expungement of his or her records.
- The bill effectively repeals this \$350 filing fee.
- Under Tenn. Code Ann. § 40-32-101(g)(10), the \$350 fee one pays for having records expunged is distributed as follows:
  - \$10.00 to the court clerk collecting the fee;
  - \$50.00 to the Tennessee Bureau of Investigation (TBI);
  - The remainder (\$290.00) is distributed:
    - 5 percent (\$14.50) to the Public Defenders Expunction Fund;
    - 45 percent (\$130.50) to the District Attorneys Expunction Fund; and
    - 50 percent (\$145.00) to the General Fund.
- Data from the Department of Revenue show that the General Fund collected \$134,405.19 from expungement fees in FY14-15. It is assumed that 927 expungements were processed in FY14-15 ( $\$134,405.19 / \$145.00$ ). These numbers are assumed to remain constant in subsequent years; therefore, a recurring decrease in state revenue to the General Fund estimated to be \$134,400.
- In addition to the \$350 fee, a court clerk is authorized to charge an additional \$100 fee for processing the expungement.

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- The bill will result in a recurring decrease in local revenue estimated to be \$101,970 [(\$10 + \$100) x 927 expungements].
- In addition, the bill will result in recurring decreases in state revenue estimated as follows:
  - TBI – \$46,350 (927 expungements x \$50);
  - Public Defenders – \$13,441.50 (927 expungements x \$14.50);
  - District Attorneys – \$120,973.50 (927 expungements x \$130.50);

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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